

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ARMSTRONG WORLD INDUSTRIES, INC.	)	
ASBESTOS PERSONAL INJURY	)	
SETTLEMENT TRUST,	)	
	)	
Plaintiff,	)	
	)	Civil Action No. 02-CV-4360
v.	)	
	)	
	)	
LIBERTY MUTUAL INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**UNCONTESTED EMERGENCY MOTION FOR A RULE 16(b)  
SCHEDULING CONFERENCE**

The Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust (the “Trust”), by and through the undersigned counsel, hereby moves the Court for a Rule 16(b) Scheduling Conference in the above-captioned action. In support of this Motion, the Trust avers:

1. The Trust has assumed the liability of Armstrong World Industries, Inc. (“Armstrong”) to claimants who allege personal injury resulting from exposure to asbestos products manufactured or installed by Armstrong.
2. The defendant Liberty Mutual Insurance Company (“Liberty”) contracted with Armstrong for the provision of comprehensive general liability insurance coverage during the annual policy periods for the years January 1, 1973 through January 1, 1982.
3. This case involves a dispute between the Trust and Liberty as to the extent of coverage for asbestos-related personal injury claims made against Armstrong under certain of these policies.

4. On April 5, 2004, Armstrong filed the Amended Complaint in this action, seeking declaratory relief regarding coverage for the asbestos-related personal injury claims made against Armstrong under certain of these policies, as well as compensatory damages for Liberty's alleged breach of its obligations under the 1977 policy.

5. On June 18, 2004, Liberty filed its Answer to Armstrong's Amended Complaint, denying that Armstrong is entitled to declaratory relief or compensatory damages.

6. This action thereafter was stayed pending Armstrong's bankruptcy proceeding in the United States District Court for the District of Delaware.

7. On October 2, 2006, Armstrong's Fourth Amended Plan of Reorganization became effective, thereby lifting the pending stay against Liberty's ability to assert claims against Armstrong.

8. On October 19, 2006, Liberty filed its Counterclaims against Armstrong, seeking declaratory relief regarding Armstrong's claims to coverage for asbestos-related personal injury claims made under Liberty's insurance policies.

9. On March 16, 2007, Armstrong filed its Reply to Liberty's Counterclaims, denying that Liberty is entitled to the requested declaratory relief.

10. On May 1, 2007, this Court signed an Order substituting the Trust for Armstrong as the plaintiff in the action. The Trust has assumed, among other obligations, all of Armstrong's liabilities and responsibilities for asbestos-related personal injury claims.

11. The Trust and Liberty (collectively, the "Parties") have, pursuant to Federal Rule of Civil Procedure 26(f), discussed at length a discovery plan and discovery schedule in this matter. The Parties have reached an agreement on many aspects of such a plan, and have prepared alternative discovery schedules for the Court's consideration.

12. The Parties are prepared upon Order of the Court to submit a Joint Case Report regarding the nature of the action and the Parties' competing proposals for discovery schedules, as well as other legal and procedural matters upon which the Parties have not been able to agree after lengthy consultation; the Parties require the Court's assistance in deciding these disputed issues.

13. As of the date of this Motion, more than six months have passed since the Parties filed the pleadings allowed by Rule 7 of the Federal Rules of Civil Procedure.

14. The Parties desire an expeditious conclusion to this litigation.

For the foregoing reasons, the Trust respectfully requests that the Court issue an Order scheduling a Rule 16(b) scheduling conference in this matter.

Respectfully submitted,

Date: September 27, 2007

/s/ Stephen A. Madva

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	)	
LIBERTY MUTUAL INSURANCE COMPANY,	)	
	)	
Defendant.	)	

**CERTIFICATION OF UNCONTESTED MOTION**

The undersigned hereby certifies pursuant to Local Rule 7.1(b) that the Uncontested Emergency Motion for a Rule 16(b) Scheduling Conference filed by the Armstrong World Industries, Inc. Asbestos Personal Injury Settlement Trust on this day is uncontested by Defendant Liberty Mutual Insurance Company.

Date: September 27, 2007

/s/ Stephen A. Madva  
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**CERTIFICATE OF SERVICE**

I declare under penalty of perjury that a copy of the foregoing Uncontested Emergency Motion for a Rule 16(b) Scheduling Conference, proposed form of Order, and Certification of Uncontested Motion was mailed today by U.S. first-class mail, postage prepaid, to:

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Kathleen Burdette Shields, Esquire  
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*Attorneys for Defendant*

This document has been filed electronically and is available for viewing and downloading from the ECF system.

Dated: September 27, 2007

/s/ Stephen A. Madva  
Stephen A. Madva